

# ACCOUNT

Of a small part of Mr. John Frank's Proceeding against David Bruce.

**M**R. John Frank by his Covetous, Ambitious, Unjust and Malitious Inventions, hath kept a Plea which he knew to be a meer Cheat this twenty years against David Bruce: Amongst the rest of his Inventions, he extracted an unjust Decreet, Infring a Gentleman as compeeting for Bruce, who neither knew Bruce, nor of the Decreet: But Bruce applying himself to the Lords, they did most justly put a stop to his Decreet Declarator. Reduction and Exhibition, and all other Diligence which he had raised up, on that Decreet. Finding himself disappointed of that deep drawn deceitful Design, he then falls upon another Design to Kill and take Possession, he having the Provost of Peebles his near Cousin, and one of the Baillies Married upon the said Mr. John his Sister, they being Magistrates by Commission from the late King: He then invents a most Damnable, Lying, Abominable Murdering Criminal Lybel: And before ever any thing was proven, they Robbed Bruce of his Nets and Guns eight dayes before Franks Lybel was produced, and presently cast him into Prison, where he was kept close Prisoner for a Month; where he had undoubtedly perished, if the then Secret Council had not let him at Liberty. Many sheets of Paper would not contain the Crafty wayes, and unheard of practices that Frank hath taken these twenty years to get Possession of this five or six Acres of Land, because it is called *Frankland*.

*Here follows the Just double of Franks Lybel.*

**U**Nto the Honourable, the Provost and Baillies of Peebles, and besides Justices of His Majesties Peace within the said Burgh, means and shows Mr. John Frank Writer to His Majesties Signet, and one of the Commissioners of the Writers appointed be the Earls of Murray and Melfort His Majesties Secretaries of State, and present Treasurer to the Writers: And complains upon David Bruce Indweller there, an notorious Slanderer and Backbiter. That where the said David Bruce having shaken off all fear of God and Religion, and Respect to all Laws Divine and Humane; and conceiving an Groundless, Murderous and Malitious Hatred, Malice and Evil Will against the said Mr. John Frank, *Animo Injurandi & Defamandi*, contrait to and without all Law Civil, Ecclesiastical and Municipal. To severall Persons, in severall Companies, and at severall Times, without any just Ground, Cause or Provocation given be the said Mr. John Frank. And behind his Back, when he was in the exercise of his said publick Office and Trust at *Edinburgh*, Threatened, Shoared Menaced; and with great Oaths and Imprecations, Vowed and Promised to have shed the said Mr. John Frank his Blood, though his own should be shed for it, and to wair his Life upon him. And likewise Designed, Endeavoured and made it his Work and Busines, To Slander, Traduce, Reproach and Defame the said Mr. John Frank, an person of intire FAME and Publick Trust: And has invented, vented and spread most Wickedly and Imperiously to the Disgrace, Defamation and Ruine (in so far as in him lay) of the said Mr. John many false Slanderous, Reproachful and Scandalous Speeches; Expressions and Assertions: And particularly on the severall dayes of this Month of March, The said David Bruce most Ryotously, Wickedly, Barbarously and Unchristianly Vowed and Swore with great Oaths, that he should have or shed the said Mr. John Frank his Blood, though his own should be shed for it, and to wair his Life upon him; and this he did to and before John Govan Provost, Thomas Chisholme Baillie, and William Williamson Clerk, John Wood Indweller there, and many others. And likewise most Falsly and Impudently said and affirmed before the foresaids persons, and Bessie Lowes Spouse to John Johnstoun Burges of Peebles and several others, That the said Mr. John Frank had written wrong, and made false Writs, and was an Shift man: And that the Lords of Session was to punish him exemplarily for it, and that none should Trust nor Imploy him: And that the said Mr. John had to ruine him, cheatingly employed an Advocate to compeet for him, without his knowledge, and to collude with the said Mr. John and suffer an Decreet to pass against him in favours of the said Mr. John. And the said David most Cunningly and Malitiously, the better to enforce the said wicked slanderous, Calumnious and false Speeches and Assertions; and to make the same pass for Truth with all people, he impudently and designedly did take an Paper out of his Pocket, and read the same before the persons aforesaid and several others, as if the Lords of Session had so found: And as if they had decerned the said Mr. John to be degraded of his Office, declared incapable of publick Trust, and ordained him to be exemplarily punished. And the said David Bruce did wickedly repeat and persist in the saids Ryotous, Slanderous and Delamatory Speeches.

By all which the said David Bruce, is guilty of an complex repeated open and manifest Ryot, forethought Felonie, and intended and declared Murder, Defamation, Lising-making, Backbiting and Slander; and of gross and shameless Scandal Calumnie and Detraction of an Honest Man of intire Fame, and person of publick Trust and Office under his Majesty and Secretaries of State, and ought in all Law and Justice to be severely and exemplarily Punished and Stigmatized, in his Name, Person, and Goods, to the security of his Majesties Peace; to the good and service of his Majesties Secretaries of State, and the Leidges; and to the Example and Terroure of others to commit the like in time coming. And sicklike to content and pay to the said Mr. John Frank, the Sum of Ten Thousand Pound Scots Money, as the Damage and Interest sustained by him, (he being an Writer to his Majesties Signet, and of publick Trust and Office as said is.) through the said desperate and Abominable Ryot declared Murder, and vowed Slander Defamation and Scandal, and to be further punished conforme to Law and his Demerit.



*The Just double of the Royal Magistrates of Peebles Sentence 4 April 1683.*

**T**He Provest Bailies and Council of Peebles, having considered this complaint and the Depositions of the Witnesses taken for proving thereof; they find nothing of the Slander proven against *David Bruce*, but finds the expression proven that if Mr. *Frank* should gain that play, he should have his Blood, and therefore ordains *David Bruce* to continue in Prison while he find Caution under the pain of 500, Merks to keep the Kings Peace and to leave peaceably towards all Men, and especially to the said Mr. *John Frank* and his Family whom he has so threatened to bereave of his life, and likewise that he shall not weare any Offensive Arms secret or open under the same Penalty. *Sic Suscribitur.*

I. G. W S.

*Bruces Lamentation.*

**M***y Nets and Guns are seas'd, with Caution to compear,  
I in close Prison cast, and yet the Cause not clear,  
Only he sayes, and she sayes, and so says his good Brother.  
That if Frank had done something, Bruce should have done some other  
A most Horrid and Terrible Crime as ever yet was found,  
Stigmatizing, the fine Ten Thousand Pound.  
With Caution to be found to the Peace beside,  
Otherwise in close Prison still for to abide.  
Lains, Thieves and Robbers, so all I must be Bound,  
Amongst our Royal Magistrates, this Law it shall be found.  
Singing I must carry, my self for to Defend,  
I must hold my self Content, till some Relief God send.*

*On the Praise of Mr. John Frank, To the Tune of,  
When all Souls was at Rest.*

**Y***our Lybel and your Elegie,  
Bruce, hath them in great State.  
With great remarks upon your Acts,  
Your Tomb with Copper Plate.  
How you the Lady of our Time,  
Adorn'd with rich Attire.  
With short and long Vails Nobilly.  
Even to your hearts desire.*

*How that she Her Journeys made,  
In Coach with handsome Train;  
How that she to our City came,  
And How return'd again.  
Your Mother of worthy Memory.  
Your Tomb does here Extol,  
She sure was of some Family;  
Your Father was in Poll.*

*How you, your learning did acquire,  
And did your Honour raise;  
Your Speech before the Faculty,  
Deserves the Learned's Praise.  
Your stately Style and writing Brave,  
With Wisdome and with Skill,  
Of all sorts of securities,  
Of Rich Men their last Will.*

*Your Lodging and your Chambers Brave;  
Your noble Bed of State,  
With all fine things that you have,  
Speaks forth your Judgment Great.  
The Law and Gospel you know well,  
Bruce well can prove the one,  
Your Elogy the Gospel proves,  
It Parallel can none.*

*Your Loyalty it was well known,  
When to the Camp you came,  
Likeways unto the City shoven,  
All Men will say the same.  
You mortified to our Poor,  
Your Gilded Broad set forth,  
Your Soul seek for to secure;  
Who can declare your Worth.*

*Who can your great Praise set forth,  
Or your rare Deeds Rehearte;  
It is a thing that is too high,  
For Mortals or for Verse.  
Our Church and our City both,  
Are troubled in these times.  
Your known the Instrument to be,  
That hates dividing Crimes.*

*By your great Wit and Oratrice,  
You are now an Advocate,  
When Bruce shall at the Bar you see,  
Let him take head to that.  
The Scriptures true which cannot lie.  
Some things in them are said.  
That will besit your Elogie.  
When you in Tombs are Laid.*

*Probatum Est.*

*Bruce sayes nothing but the Truth,  
Least he break Lawborous:  
For Lying, Cheating Rascals all  
They will deserve the Gallows.*